

barbells, the user employs both hands which grasp the larger handle 36. In either case the hands engage the handle not the members 32 and 33. The notion of using the members 32 and 33 is not found in Bosko. The derivation of such a notion can only be found in the present application. Moreover, in a barbell application, the weight of the barbell would be of such a magnitude that the user could not grasp it at the members 32 and 33, especially when weight is added to the members 32 and 33.

The examiner's statement of the rejection is conclusory, and conclusory statements do not address the factual inquiry that must be made in a legitimate holding of obviousness under 35 USC 103. If the present invention is to be unpatentable under 35 USC 103 over Bosko, then somewhere in Bosko, there must lie a teaching of "the diameter of which is adapted to the palm of the hand of a training person" and "the total length of the training apparatus is approximately in the range of the length of the shoulder span of the person using it," which are both recited in claim 12. It is respectfully submitted that there is none, and as noted in *In re Rouffet*, cited in the REQUEST FOR RECONSIDERATION filed February 7, 2001, such a teaching is essential.

In the enclosure to the PRELIMINARY RESPONSE filed with the CPA on July 9, 2001, applicant presented documentation attesting to the versatility of the inventive training device known as the IDOGO. Take, for example the testimony of Michael Zeller, head of the physiological department of the sport clinic in Stuttgart Bad Cannstatt, Germany reproduced below.

### ***IDOGO in the rehabilitation***

*Micheal Zeller, head of the physiological department at the sport clinic in Stuttgart Bad Cannstatt describes the efficiency of IDOGO as exercise medium in single and group therapeutic usage.*

*Training of tactile stimulation of the palms  
(Mechanoreceptories)*

*Improving the motional coordination*

*Correction / schooling of evasion and movements*

*Stabilizing and straighten of muscles groups in the area of trunk and spine*

*Deepening of breathing*

*For some time we use the IDOGO-stick in our rehabilitation centre especially in the treatment of injuries and after operations in the shoulder zone*

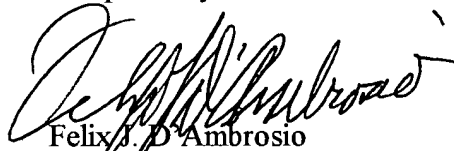
*Also in the treatment of patients having problems with their back and/or posture there are various possibilities of use*

One would not use bumbbells or barbells in such an effort as mentioned by Mr. Zeller, but that is what the examiner is suggesting in applying Bosko.

In conjunction with the noted enclosures, the examiner has been given three (3) videos which also attest to the uniqueness of the present invention.

The examiner has been advised that declarations are being prepared by individuals that will attest to the benefits they have enjoyed with the inventive exercise device. These declarations will provide the record with testimonial evidence of the commercial success of the invention. The declarations will be filed shortly.

Respectfully submitted



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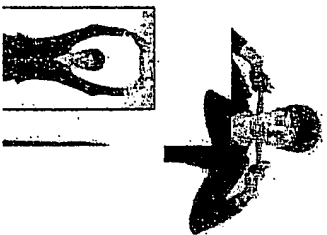
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# Everyday everywhere

AT HOME, AT WORK OR WHILE TRAVELLING  
IN 5 MINUTES YOU ARE FIT...

FOR YOUNG AND  
OLD

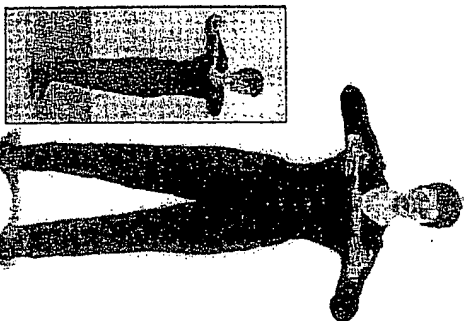


## Exercise 1

Stand shoulder wide

If you can practice one exercise, because you don't have enough time, the adequate time for one. Use every movement at each exercise 6 times every movement and intensive

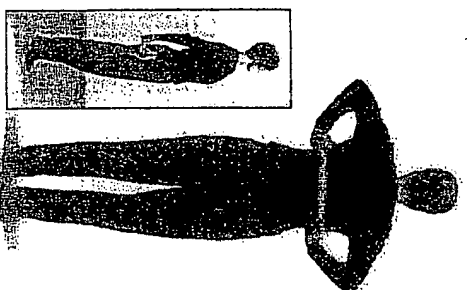
Take the IDOGO with both hands - between thumb and forefinger -, being turned outward, move the arms forward up over the head, lower your elbows to bring the IDOGO behind the head. Move the IDOGO upward over the head again



## Exercise 2

Stand shoulder wide

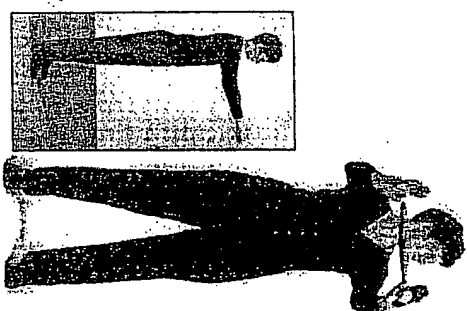
During this exercise you're always looking straight forward! Hold the IDOGO in your hands with rounded arms in the height of your shoulders. Now swing slowly to the right and return to the starting position. Now you swing slowly to the left and return to the starting position.



## Exercise 3

Stand with closed feet

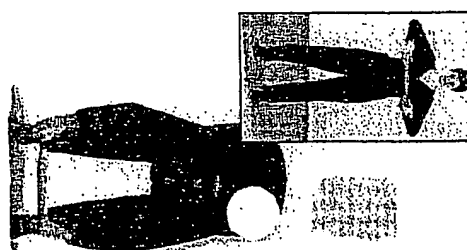
Standing on flat feet, you move the IDOGO upward near your back as far as possible. Now turn the IDOGO, push downward by standing on your toes. Turn the IDOGO again and pull it upward near your back again, by standing on your flat feet again.



## Exercise 4

Stand shoulder wide

Raise the IDOGO with both hands close to your shoulder. Now turn the IDOGO outward and push it forward with both arms by turning your head to the right as far as possible (looking over your shoulder). Turn the IDOGO forward, pull it toward your shoulders and repeat the movement to the left side



## Exercise 5

Stand shoulder wide

During this exercise standing with straight legs. Holding the IDOGO between your hands close to you, push it down your breast. Then back to push it down to your body and legs. Then turn the IDOGO move it upward along your body and along to the starting position

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*Also in the treatment of patients having problems with their back and/or posture there are various possibilities of use*

# ***Jogging and Walking with IDOGO***

*Jogging/Walking IDOGO is just easily held with both hands like raw eggs not to be pressed, pushed or to be touched too much.*

*During jogging/walking the IDOGO-stick moves rhythmically in front of the body. Through the economic coordination of the arms' motion a deeper and more relaxing breathing is achieved reducing thus the strain for the body during jogging/walking.*

***With IDOGO you'll never be out of breath***

*Olympic participant for medium distance race Joachim Dehmel advances as follows about the positive effects of IDOGO with running.*

- *Unconventional, running movements controlled by the stick*
- *Internal calm*
- During training:*
  - *Strengthening and stretching excersises becomes more effective*
  - *Running training becomes more intensive*
  - *As IDOGO is used as supporting element more stability of the whole system*
  - *Loose and relaxed feeling*
  - *Movements of arms and shoulders being controlled and harmonic*
  - *Relaxed breathing*

# ***IDOGO-exercises can be executed by young and old***

*The principle of the IDOGO-system is to gain energy by optimized breathing, resulting in a self-bearing and relaxed posture and way of movement.*

*The IDOGO-System has an positive effect on efficiency ,among others cause the coordination of motion in the area of breast and shoulders and therefor also the motion of the breathing muscles is improved.*

*Through the coordinated movements of the arms the blood vessels are opened and the working muscles are provided with oxygen*

*For this reasons the practiser does not get tired all too soon and is able to execute his training more effective and focused. The IDOGO-system can be integrated easily into different western training methods. Physiological exercises, fitness trainings, jogging, gymnastics, dancing relaxing exercises, competitive training there are no limits in the application areas. Through the way of effects of the IDOGO-training efficiency is almost in every areas improved. In this context IDOGO can be executed as additional method integrated in an existing training as well as an independent exercise IDOGO Tai Chi or as IDOGO Chi Kung*

## ***Only 5 Minutes ...***

*All IDOGO-exercises on the poster relaxes the muscles at your daily work, at home or on the journey.*

*Every exercise can be executed on one's standing as well as seated.*